

N O T I C E

DIVISION OF WATER (WATER QUALITY CERTIFICATION)

PROJECT: Garrard County (US-27), Item No. 7-26.01
Relocation

The Division of Water has previously approved the Section 401 activities for this project by issuance of a Individual Water Quality Certification for Dept. of Army Corp. Individual permit. In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Water Quality Certification in a conspicuous location at the project site for the duration of construction and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain **written** permission from the Division of Construction and the appropriate permit agency. A copy of any request to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

14 REILLY ROAD

FRANKFORT, KENTUCKY 40601

www.kentucky.gov

TERESA J. HILL
SECRETARY

May 16, 2007

MAY 21 AM 8:48

Mr. David Waldner, Director
Department of Environmental Analysis
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, Kentucky 40622

Re: Water Quality Certification # 2007-0072-1
US 27 Relocation - Garrard County
Item No. 7-26.01
USACE Public Notice No.: LRL-2005-150
AI No.: 83542, Activity ID: APE20070001
Unnamed Tributary of the Kentucky River and
tributaries, McKecknie Creek and tributaries,
Tanyard Branch tributaries
Garrard County, Kentucky

Dear Mr. Waldner:

Pursuant to Section 401 of the Clean Water Act (CWA), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under 33 CFR part 330, and the attached conditions are met.

All future correspondence on this project must reference **AI No. 83542**. **The attached document is your official Water Quality Certification, please read it carefully.** If you should have any questions concerning the conditions of this water quality certification, please contact Ms. Joyce Fry of my staff by calling (502) 564-3410.

Sincerely,

Jennifer Garland, Supervisor
Water Quality Certification Section
Division of Water

JG:JF:tw
Attachment

COPIES SENT TO:

: Phyllis Hockett, USACE: Louisville District

Ron Mikulak, USEPA: Atlanta

Lee Andrews, USFWS: Frankfort

Mike Hardin, KDFWR: Frankfort

Elizabeth Bullock, Agent
Third Rock Consultants, LLC
2514 Regency Road
Lexington, Kentucky 40503

Malissa McAlister, Kentucky River Basin Coordinator

KTC Water Quality Certification

US 27 Relocation Garrard Co

Facility Requirements

Permit Number: WQC #2007-0072-1

Activity ID No.: APE20070001

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AAZZ1 (CWA Section 401 WQC) US27 Relocation Item No. 7-26.01:

Submittal/Action Requirements:

Condition No.	Condition
S-1	The Kentucky Transportation Cabinet shall submit notification: Due 1 working day before 12/31/2007. Notification shall be proof of in-lieu fee payment in the amount of \$236,100 to the Kentucky Department of Fish and Wildlife Resources Stream Restoration Fund for impacts to perennial and intermittent streams at sites 1, 2, 3, 14 and 15 (a total of 2,361 linear feet of stream loss). [Clean Water Act]

Narrative Requirements:

Condition No.	Condition
T-1	The work approved by this certification shall be limited to: - Activities including fill, stream relocation and installation of culverts resulting in impacts to 1557 linear feet of ephemeral stream, 3978 linear feet of intermittent stream and 1186 linear feet of perennial stream. [Clean Water Act]
T-2	All work performed under this certification shall adhere to the design and specifications set forth in the USACE Public Notice LRL-2007-150-pmh, the "Application for Section 404 Individual Permit and Section 401 Water Quality Certification" received January 24, 2007, and site plans submitted via electronic mail on May 8, 2007. [Clean Water Act]
T-3	The applicant is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sedimentation control plan must be designed, implemented, and maintained in effective operating condition at all times during construction. [Clean Water Act]
T-4	The Division of Water reserves the right to modify or revoke this certification should it be determined that the activity is in noncompliance with any condition set forth in this certification. [Clean Water Act]
T-5	If construction does not commence within one year of the date of this letter, this certification will become void. A letter requesting a renewal should be submitted. [Clean Water Act]
T-6	Other permits may be required from the Division of Water for this project. If this project takes place within the floodplain, a permit may be required from the Water Resources Branch. The contact person is Ali Daneshmand. If this project will disturb one acre or more of land, a KPDES general storm water permit will be required from the KPDES Branch. The contact person is Ronnie Thompson. Both can be reached at 502/564-3410. [Clean Water Act]

GENERAL CONDITIONS FOR WATER QUALITY CERTIFICATION

1. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
2. All dredged material shall be removed to an upland location and/or graded on adjacent areas (so long as such areas are not regulated wetlands), to obtain original streamside elevations, i.e. overbank flooding shall not be artificially obstructed.
3. In areas not riprapped or other wise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
4. To the maximum extent practicable, all instream work under this certification shall be performed during low flow.
5. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such instream work is unavoidable, then it shall be performed in such a manner and duration as to minimize resuspension of sediments and disturbance to substrates and bank or riparian vegetation.
6. Any fill or riprap including refuse fill, shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
7. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
8. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
9. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/564-2380.